



Federal Communications Commission
Washington, D.C. 20554

March 29, 2004

Rex H. Lee
Navajo Missions, Inc.
818 E. Main # 84
Farmington, New Mexico 87401

Dear Mr. Lee:

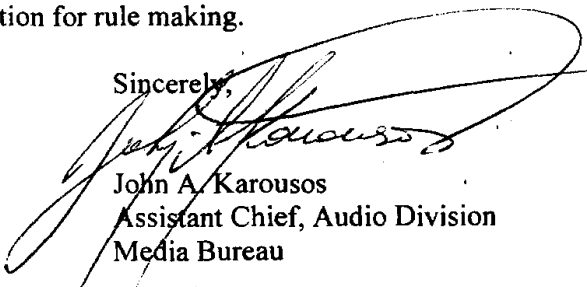
This letter is in response to the Petition for Rule Making filed on behalf of Navajo Mission, Inc. requesting to reserve vacant Channel 299C1 at Shiprock, New Mexico for noncommercial educational ("NCE") use.

The Commission has revised the standards for reserving an FM channel for NCB use.¹ Under these revised standards, a reservation proponent must demonstrate that it is technically precluded from using a reserved channel and would provide a first and/or second NCE radio service to at least 10 percent of the population within the 1mV/m (60 dBu) contour of its proposed station. This revised reservation policy was later extended to existing vacant FM allotments for which an allocation proceeding was initiated prior to the effective date of these standards.² To implement the revised reservation policy, the Media Bureau opened a filing window to permit interested parties to file petitions for rulemaking in compliance with the revised reservation policy.³

A staff analysis reveals that your petition is unacceptable for consideration. Specifically, the *Public Notice* listed Channel 265C1 at Shiprock not Channel 299C1. As such, the *Public Notice* did not permit interested parties to file a petition for rulemaking requesting changes to the vacant FM allotments listed therein.

In view of the above, we are returning your petition for rule making.

Sincerely,

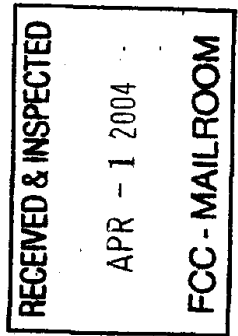

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

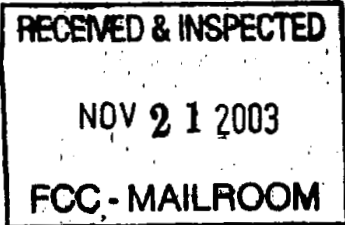
¹ See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 15 FCC Rcd 7386 (2000), *recon granted in part* 16 FCC Rcd 5074 (2001).

² See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 18 FCC Rcd 6691 (2003).

³ See *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, 18 FCC Rcd 19600 (MB 2003) ("Public Notice").



Rex H. Lee
818 E. Main # 84
Farmington, New Mexico 87401
Home (505) 326-4321
Cell (505) 486-3821
rex@verticalradio.org



Secretary
Federal Communications Commission
Washington, DC 20554

Greetings:

On behalf of Navajo Missions, Inc. enclosed are an original and four copies of a Petition for Rule Making to permit Noncommercial Educational Reservation Showings For Certain Vacant FM Allotments for Shiprock New Mexico.

I am Chief Engineer for (KNMI) owned by Navajo Missions, Inc. Should there be any questions concerning this Petition, I will be pleased to provide any necessary information.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Lee" with a stylized flourish at the end.

Rex H. Lee

**Before the
Federal Communications Commission
Washington D.C. 20554**

In the Matter of

**Amendment of Section 73.202(b)
Table of Allotments
Fm Broadcast Stations
(Shiprock, New Mexico)**

To: Chief, Media Bureau, Policy and Rules Division

Petition for Rule Making

Navajo Missions, Inc. hereby requests that the Commission institute Rule making Proceedings to ammend Section 73.202(b) of the Commission's Rules to allot FM Channel 299C1 as a non-commercial allotment to Shiprock New Mexico.

- 1. FM channel 299C1 is the only channel on the Table of allotments for Shiprock, New Mexico, Therefore we are Technically precluded from using the Noncommercial Educational Reserved Band.**
- 2. This proposed Station would provide a first noncommercial educational radio service to the community and would totally cover the city of license within the proposed allocation's 60 dbu service contour to more than 7000 People (1990 census = 7687) within the city of license.**
- 3. The new FM station will serve the Native American members of Shiprock through community-oriented local programming.**
- 4. If Non-Commercial FM Channel 299C1 is allotted to Shiprock community, this petitioner will immediately apply for its use.**

WHEREFORE, it is submitted that a new full service non-commercial FM station, being a full-time local source of information and entertainment to this unique and remote tribe of Native Americans, would be of benefit to the people of Shiprock, New Mexico. Further, it is submitted that the allotment of FM Channel 299C1 would be an efficient utilization of the channel and would be in the public interest.

Respectfully submitted,

Navajo Missions, Inc.

James D. Baker
James D. Baker, President

11-20-03
Date

Navajo Missions, Inc
2103 W Main st.
Farmington, New Mexico 87401

(505) 325-0255

Subscribed and sworn to before me this 11th day

of November, 2003

Robert C. Lef
Notary

My Commission expires: Dec 19, 2004